

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)

v.)

BENIGNO VALENCIA-GALVAN)

CR. NO. 1:07-mj-41-TFM

GOVERNMENT'S MOTION FOR DETENTION

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and pursuant to 18 U.S.C. 3142(e) and (f) moves for detention for the above-captioned defendant.

1. Eligibility of Cases

This case is eligible for a detention order because this case involves:

- | | |
|---------|---|
| _____ | 10 + year crime of violence (18 U.S.C. § 3156) |
| _____ | 10 + year federal crime of terrorism (18 U.S.C. § 2332b(g)(5)(B)) |
| _____ | Maximum sentence of life imprisonment or death |
| _____ | 10 + year drug offense |
| _____ | Felony, with two prior convictions in the above categories |
| _____ | Felony involving a minor victim |
| _____ | Felony involving possession or use of a firearm or other destructive device (as defined by 18 U.S.C. § 921) or any other dangerous weapon |
| _____ | Failure to register as a sex offender (18 U.S.C. § 2250) |
| X _____ | Serious risk the defendant will flee |
| _____ | Serious risk of obstruction of justice |

2. Reason for Detention

The Court should detain defendant because there are no conditions of release which will reasonably assure:

 X Defendant's appearance as required
 Safety of any other person and the community

3. Rebuttable Presumption

The United States will invoke the rebuttable presumption against defendant under Section 3142(e).

 Previous conviction for "eligible" offense committed while on pretrial bond, and a period of five years has not elapsed from defendant's conviction or release from imprisonment for the offense described
 Probable cause to believe defendant committed 10 + year drug offense or an offense in which a firearm was used or carried under Section 924(c)
 Probable cause to believe defendant conspired to kill, kidnap, maim, or injure persons in a foreign country as prohibited under 18 U.S.C. § 956(a)
 Probable cause to believe defendant committed act of terrorism transcending national boundaries (18 U.S.C. § 2332) or a 10 + year federal crime of terrorism as defined in 18 U.S.C. § 2332b(g)(5)(B))
 Probable cause to believe defendant committed 10 + year offense involving a minor victim

4. Time for Detention Hearing

The United States requests the Court conduct the detention hearing:

 At the initial appearance
 X After continuance of three (3) days

The Government requests leave of Court to file a supplemental motion with additional grounds or presumption for detention should this be necessary.

Respectfully submitted this the 16th day of April, 2007.

LEURA G. CANARY
United States Attorney

/s/ Christa D. Deegan
CHRISTA D. DEEGAN
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36101
334.223.7280
334.223.7135 fax
christa.d.deegan@usdoj.gov

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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Federal Defender's Office.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Christa D. Deegan
CHRISTA D. DEEGAN
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36101
334.223.7280
334.223.7135 fax
christa.d.deegan@usdoj.gov